Office-Supreme Court, U.S.
FILED
JAN 17 1966
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 819

HARRY A. REOUX, *Petitioner*

v.

THE FIRST NATIONAL BANK OF GLENS FALLS, (as Executor of the Estate of Adelia H. Reoux, deceased), *Respondent*

On Writ of Certiorari to Court of Appeals of the State of New York

REPLY BRIEF FOR PETITIONER

PEYTON FORD
Attorney for Petitioner

Of Counsel:

FORD, AYER & HORAN
1000 Connecticut Avenue, N.W.
Washington, D. C.

JAMES C. STRANEY
3 Gaffers Court
Latham, New York

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

No. 819

HARRY A. REOUX, *Petitioner*

v.

THE FIRST NATIONAL BANK OF GLENS FALLS, (as Executor of the Estate of Adelia H. Reoux, deceased), *Respondent*

On Writ of Certiorari to Court of Appeals of the State of New York

---

REPLY BRIEF FOR PETITIONER

Respondent, in its Brief in Opposition, states that "nothing could be further from the truth" than the Petitioner's assertion that Mrs. Reoux's counsel had induced the New York courts on appeal to place great stress on the existence and terms of the July 21, 1958 Will. (Brief in Opposition at 8). The truth of the

matter is that Mrs. Reoux's counsel emphasized before the courts that Mrs. Reoux had substantially complied with any alleged agreement respecting the division of her estate by the terms of the July 21, 1958 Will. A finding to that effect was requested by Mrs. Reoux's counsel at a time when he was fully aware that the July 21, 1958 Will was nugatory. (Appendix D of Petition, at 13a). The opinions of both the Appellate Division and the Court of Appeals bear evidence that these courts thought that Mrs. Reoux had continued her "share-equally" plan in her last will. (Appendix F, at 22a; E, at 19a). The decisions of both Special Term and the Appellate Division made after the new trial clearly reference the effect the suppression had on the previous proceedings. (Appendix B, at 4a; C, at 8-9a).

The November 9, 1958 Will was crucial because its appearance on probate forced to the surface other items of evidence probative of Mrs. Reoux's donative intentions. The November 9, 1958 letter which accompanied the Will and the testimony of the attorney who drew the Will and prepared the letter were basic to the Appellate Division's decision to grant a new trial. But the importance of these items derived from the fact that Mrs. Reoux had completely changed her Will. The testimony of Mrs. Reoux's counsel is clear on the facts that he was given a copy of the November 9, 1958 Will and that he had extended conversations with Mrs. Reoux about this Will prior to trial. (R. at 87, 89).

Respondent goes on in its Brief to remark that it surely must have occurred to the Petitioner that his mother had made another will. (Brief in Opposition, at 9). Yet this does not explain nor justify the deceit practiced by the Respondent and Respondent's counsel

upon the courts. The courts of New York could not take judicial notice of a will that Mrs. Reoux might have executed. At the time when these courts were concerned with the dispositions Mrs. Reoux had made of her property, her valid and subsisting Will was being suppressed by Respondent's counsel with the consequences set out in the Petition at 14-17.

WHEREFORE, the Petitioner prays that a Writ of Certiorari be granted.

Respectfully submitted,

PEYTON FORD
Attorney for Petitioner

Of Counsel:

FORD, AYER & HORAN
1000 Connecticut Avenue, N.W.
Washington, D. C.

JAMES C. STRANEY
3 Gaffers Court
Latham, New York